

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **SUPERSEDING**
 : **INDICTMENT**

- v. - :

UNDER SEAL

DEREK ANDRE ENGLISH, :
 a/k/a "D," : S1 10 Cr. 431 (CM)
 RODNEY JOHNSON, :
 a/k/a "Toree Johnson," :
 a/k/a "Rodney T. Hibbert," :
 RONALD R. ANDERSON, :
 a/k/a "Shah," and :
 BRIAN McCLEOD, :
 a/k/a "Slim," :
 a/k/a "Brian Connelly," :
 a/k/a "Joseph King," :
 a/k/a "Brian Conley," :
 a/k/a "John A. Conley," :

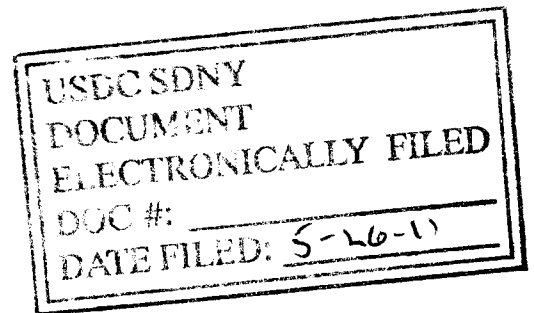
Defendants. :

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COUNT ONE

The Grand Jury charges:

1. From in or about 2003, up to and including on or about April 28, 2010, in the Southern District of New York and elsewhere, DEREK ANDRE ENGLISH, a/k/a "D," RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," RONALD R. ANDERSON, a/k/a "Shah," and BRIAN McCLEOD, a/k/a "Slim," a/k/a "Brian Connelly," a/k/a "Joseph King," a/k/a "Brian Conley," a/k/a "John A. Conley," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate



the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DEREK ANDRE ENGLISH, a/k/a "D," RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," RONALD R. ANDERSON, a/k/a "Shah," and BRIAN McCLEOD, a/k/a "Slim," a/k/a "Brian Connelly," a/k/a "Joseph King," a/k/a "Brian Conley," a/k/a "John A. Conley," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance involved in the offense was mixtures and substances containing five kilograms and more of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A).

(Title 21, United States Code, Section 846).

COUNT TWO

The Grand Jury further charges:

4. On or about April 28, 2010, in the Southern District of New York and elsewhere, DEREK ANDRE ENGLISH, a/k/a "D," RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," and RONALD R. ANDERSON, a/k/a "Shah," the defendants, unlawfully and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the offense charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the

use, carrying and possession of a firearm, to wit, a .45 caliber Masterpiece Arms semi-automatic pistol, and a .40 caliber Heckler and Koch semi-automatic pistol.

(Title 18, United States Code,
Sections 924(c)(1)(A)(i) and 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about April 28, 2010, in the Southern District of New York, RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," the defendant, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, unlawfully and knowingly did possess in and affecting commerce, a firearm, to wit, .40 caliber Heckler and Koch semi-automatic pistol, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT FOUR

The Grand Jury further charges:

6. On or about September 27, 2009, in the Southern District of New York and elsewhere, RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," and BRIAN McCLEOD, a/k/a "Slim," a/k/a "Brian Connelly," a/k/a "Joseph King," a/k/a "Brian Conley," a/k/a "John A. Conley," the defendants, and others known

and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to travel in and cause another to travel in interstate commerce, and to use and cause another to use the mail and any facility of interstate commerce, with intent that a murder be committed in violation of the laws of any State and the United States as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value, to wit, RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," the defendant, agreed with others, known and unknown, to pay BRIAN McCLEOD, a/k/a "Slim," a/k/a "Brian Connelly," a/k/a "Joseph King," a/k/a "Brian Conley," a/k/a "John A. Conley," the defendant, and others known and unknown, to kill Lowell Fletcher in exchange for narcotics, which arrangements depended in part upon communications through a facility of interstate commerce, and which resulted in the death of Lowell Fletcher.

(Title 18, United States Code, Section 1958.)

COUNT FIVE

The Grand Jury further charges:

7. On or about September 27, 2009, in the Southern District of New York, RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," and BRIAN McCLEOD, a/k/a "Slim," a/k/a "Brian Connelly," a/k/a "Joseph King," a/k/a "Brian Conley," a/k/a "John A. Conley," the defendants, and others known and unknown, unlawfully and knowingly, during and in relation to a

crime of violence for which they may be prosecuted in a court of the United States, namely, the offense charged in Count Four of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, to wit, a .22 caliber gun, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, JOHNSON and McCLEOD, the defendants, caused the death of Lowell Fletcher, who was shot and killed in the vicinity of Jerome Avenue and Mount Eden Avenue in the Bronx, New York.

(Title 18, United States Code, Sections
924(j), 924(c)(1)(C)(i), and 2.)

FORFEITURE ALLEGATIONS

8. As a result of committing the controlled substance offense alleged in Count One of this Indictment, DEREK ANDRE ENGLISH, a/k/a "D," RODNEY JOHNSON, a/k/a "Toree Johnson," a/k/a "Rodney T. Hibbert," RONALD R. ANDERSON, a/k/a "Shah," and BRIAN McCLEOD, a/k/a "Slim," a/k/a "Brian Connelly," a/k/a "Joseph King," a/k/a "Brian Conley," a/k/a "John A. Conley," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the narcotics violation and any and all property used or intended to be used in any manner or part to commit and to

facilitate the commission of the narcotics violation alleged in Count One of this Indictment.

9. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 856(a)(2) and 853.)


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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RODNEY JOHNSON,
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Defendants.

INDICTMENT


S1 10 Cr. 431 (CM)

(Title 21, United States Code,
Section 846; Title 18, United States
Code, Sections 922, 924, 1958 and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

5/26/2011
G.C.

- A TRUE BILL, A/W ISSUED
FOX, CS-1 J.